

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

:
Plaintiff,

:
vs.

Case No. 3:19cr137(12)

STORM A. OTEY,

:
JUDGE WALTER H. RICE

:
Defendant.

DECISION AND ENTRY OVERRULING DEFENDANT'S FIRST MOTION
FOR BOND/MOTION FOR RELIEF FROM DETENTION ORDER (DOC.
#261); RIGHT OF APPEAL EXPLAINED

Pursuant to a record made during an April 6, 2020, telephone conference call between Court and counsel, and, further, based upon an April 7, 2020, email from Marie Sebatware, United States Probation Officer, this Court OVERRULES the Defendant's first Motion for Bond/Motion for Relief from Detention Order (Doc. #261).

In so ruling, this Court notes that this is a presumption case and that the Defendant has not rebutted the presumption by the requisite burden of proof.

In ruling as aforesaid, this Court notes the following:

1. The government has proffered that the events in the captioned cause included Defendant selling over 500 grams of methamphetamine, all of which occurred while he was on post-release control, parole, to the State of Ohio. A duly impaneled Grand Jury has concluded that there exists probable cause for such an allegation.

2. A parole detainer was placed against Defendant in his present place of

confinement, the Miami County Jail, on April 7, 2020. Accordingly, were this Court to release Mr. Otey on the captioned matter, a parole detainer would prevent his release from confinement.

3. While on post-release control, the Defendant has already suffered one revocation, that for being a felon in possession of a firearm. No action has yet taken place against him, by the Adult Parole Authority, based on his Indictment in the captioned matter.

Accordingly, based upon the aforesaid, the Defendant having failed to rebut the presumption of detainability, by the requisite burden of proof, the Court finds that there exists no condition nor combination of conditions such as would guarantee his appearance when necessary and/or the safety of any other person and the community.

Defendant, to whom a copy of this Entry is sent, is advised that he has fourteen days from the filing of this Decision and Entry to appeal this Court's decision rendered herein to a higher court. He is entitled to the services of an attorney to aid him in such an appeal. Should he wish to appeal and desires an attorney to represent him, the Court will appoint an attorney for him, at no cost, to assist him in such an appeal.



April 24, 2020

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
Marie Sebatware, USPO
Storm Otey, c/o Miami County Jail, 2042 N County Rd 25A, Troy, OH 45373